W.P. 7201/03
OA 65/92(S)

W.P.(S) 518/05

IN THE STATE ADMINISTRATIVE TRIBUNAL AT JABALPUR.

Original Application No. 65 of 1992.

Applicants :- 1. AKHILESHKER SHARMA SON OF SHRI C.K. SHARMA, aged about 22 years, Upper Division Teacher, Tribal Welfare Department, r/o village Kodabhat, Kanker. Distt. Bastar M.P.

2. BHANU SHANKAR S/o Shri Chelaram, aged about 22 yrs, Upper Division Teacher, vill & PO Bhilai, Charama Distt Bastar M.P.

- versus -

Respondents : 1. The State of M.P. through the Secretary Tribal Welfare Department M.P. Bhopal.

2. Commissioner Bastar Adimjati Kshtriya Vikas Pradhikaran Jagdalpur.

3. Dy. Director Panchayat & Social Welfare Department Bastar.

4. Collector Bastar.

APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE TRIBUNALS ACT 1985.

HIGH COURT OF JUDICATURE AT BILASPUR : CHHATTISGARH

SINGLE BENCH : HON'BLE SHRI SATISH K. AGNIHOTRI, J.

WRIT PETITION (S) NO. 518 OF 2005.

PETITIONERS : Akhileshker Sharma & another

Versus

RESPONDENTS : The State of Madhya Pradesh (Now Chhattisgarh) & others

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Present : Shri Anand Shukla, counsel for the petitioner.

Shri Ajay Dwivedi, Panel Lawyer for the State/ respondents.

(ORAL ORDER)
(Passed on 7th July, 2006)

The petitioner No.1 was appointed as Upper Division Teacher vide order dated 08-02-1990 and the petitioner No.2 was appointed as Upper Division Teacher vide order dated 16.10.1989. The services of the petitioners along with 16 other similarly situated Upper Division Teachers were terminated by order dated 26-12-1991(Annexure E). Some of the Upper Division Teachers, whose services have been terminated by order dated 26-12-1991 have approached the Madhya Pradesh State Administrative Tribunal, Jabalpur in various applications. All the applications along with O.A. No. 1592/1991 was allowed by order dated 13-01-1992.

(2) Learned counsel appearing for the respondents agrees with the facts as stated by learned counsel for the petitioners. Learned counsel appearing for the parties submit jointly that this matter may be disposed of in terms of the order dated 13-01-1992, passed by Madhya Pradesh

State Administrative Tribunal, Jabalpur in O.A. No. 1592/1991. The relevant portion of the Order dated 13-01-1992 reads as follows:

> "6. The applications are allowed. The impugned order terminating the services of the applicants are hereby quashed. The respondents were directed to reinstate all the applicants and also pay them back wages. Nothing in this order shall preclude the respondents from resuming any fresh action with due advertence to the foregoing observation against the applicants. In case the respondents still feel that the applicants did not fulfil the essential qualifications/requirements, they can proceed to take action according to law after giving the applicants proper opportunity of submitting their explanation. There shall be no order as to costs."

(3) Accordingly, the petition is allowed. The impugned order terminating the services of the petitioners is hereby quashed. Since the petitioners have been working on the strength of the stay order granted by the Tribunal, there is no question of payment of any back-wages. The respondents are at liberty to take action in accordance with law, after affording the petitioners proper opportunity of hearing. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge